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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BASHORE, WILLIAM L	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,738	HUMPLEMAN ET AL.	
	Examiner	Art Unit	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *attached herein*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application filed 3/10/2004. Said application is a division of U.S. Application 09/104,297 filed 6/24/1998, now U.S. Patent No. 7,039,858 Said application claims provisional filing dates of 9/22/1997, and **6/25/1997**.

2. Claims 9-16 pending. Claims 1-8 have been canceled via preliminary amendment. Claim 9 is independent.

Specification

3. The disclosure is objected to because of the following informalities: The amendment to the Specification (page 2) needs to be updated to reflect that U.S. Application 09/104,297 is now U.S. Patent No. 7,039,858. Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Pending Claims 9-16 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,198,479 (cited in Applicant's IDS). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:**

(Initially, it should be noted that this application is a divisional of US Application No. 09/104,297 filed 6/24/1998, now US Patent No. 7,039,858. Said application claims provisional filing dates of 9/22/1997, and 6/25/1997, having the same assignee in all applications. The assignee of all applications is Samsung Electronics Co., LTD)

In regard to pending independent claim 9, pending claim 9 of the instant application is anticipated by patent claim 1, in that claim 1 of the patent contains all the limitations of claim 1 of said instant application. Claim 1 of the instant application is therefore not patently distinct from the earlier patent claim and as such is unpatentable for obviousness-type double patenting.

In regard to pending dependent claims 10-16, patent claims 2-8 teach all claimed limitations substantially as claimed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, T., et al. (hereinafter Suzuki), Teleoperation of multiple robots through the Internet, IEEE, 11/14/1996, pages 84-89 (cited in Applicant's IDS), in view of Yokota, K et al. (hereinafter Yokota), A human interface system for the multi-agent robotic system, IEEE, 5/13/1994, pages 1039-1044, volume 2.**

In regard to independent claim 9, Suzuki teaches a networked computer interface system comprising a Web browser interface for user control of two remote robots in a room of a plant (i.e. a form of home) environment (Suzuki pages 86-88, also Figure 4). Suzuki's service in this case is to observe an object (Suzuki page 88) (Compare with claim 9 *"A method for performing a service on a home network having a plurality of home devices connected thereto, the method comprising the steps of:"*).

Suzuki teaches connection of a client device to a network, in this case, the central workstation containing the user interface (Suzuki page 86 to 87 left column, also Figure 4; compare with claim 9 "*connecting a client device to the home network wherein the device is capable of displaying a user interface;*"

Execution of a software agent would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Suzuki, because Suzuki's teaching of "acquiring the system's status by monitoring and showing them to the operator comprehensively" (Suzuki page 85 at upper right), provides reasonable suggestion to the skilled artisan that a software agent is invoked to monitor and show information via GUI of Suzuki Figure

4 accordingly. It would have been obvious to one of ordinary skill in the art at the time of the invention for Suzuki to use such an agent, providing Suzuki the benefit of agents for monitoring and polling purposes (compare with claim 9 *"executing a software agent on the client device, wherein executing the software agent causes a user interface to be displayed on the client device;"*).

Suzuki teaches two robots (a first and second home device) which are connected to the network, and have been selected via GUI interface accordingly (Suzuki page 87 section 5.2, page 88 section 5.3; compare with claim 9 *"selecting a first home device from the user interface being displayed on the device, wherein the first home device is connected to the home network;"*, and *"selecting a second home device from the user interface being displayed on the device, wherein the second home device is connected to the home network;"*).

Suzuki teaches sending command and control data from the client device GUI to each of said two robots (Suzuki page 87 section 5.2, page 88 section 5.3). Suzuki also teaches commands sent to said two robots to accomplish a service of observing an object (Suzuki page 88) (compare with claim 9 *"sending control and command data from the client device to the first and second home devices..."*, and *"...to perform the service."*). Suzuki does not specifically teach each home device communicating with each other. However, Yokota teaches an interface to a multi-agent robotic system whereby the behavior of each agent (robot) is highly affected by others, and interact/cooperate accordingly (Yokota page 1039 at bottom right, page 1040 Figure 1, page 1041 at upper left, item 6; compare with claim 9 *"...to cause the first and second home device to communicate with each other..."*. It is noted that both references share a common author (Tsuyoshi Suzuki). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Yokota to Suzuki, providing Suzuki the benefit of robot cooperation in achieving a common service. In this case, Suzuki's two robots (Suzuki Figure 10) would cooperate so as not to run into each other.

In regard to dependent claim 10, Suzuki teaches various session managers (modules) for acting on behalf of, and assisting, the user (Suzuki page 86 right column to page 87 left column).

In regard to dependent claim 11, Suzuki teaches a GUI interface, including buttons dor directing home devices (Suzuki Figure 4).

In regard to dependent claims 12, 13, Suzuki teaches a browser (Netscape), along with an HTML based GUI with buttons to control home devices (Suzuki Figure 4).

In regard to dependent claims 14, 15, Suzuki does not specifically recite its devices as sink-like and source-like. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Suzuki/Yokota, since Suzuki in view of Yokota teach two robots in communication and cooperation with each other, It would have been obvious to the skilled artisan that both robots can act as sink/source, or source/sink, accordingly (i.e. handing an object from one robot to another, etc., see also rejection of claim 9 above). Utilizing this would provide the benefit of allowing more complex tasks.

In regard to dependent claim 16, Suzuki teaches an operation database in which a table (i.e. typically using an SQL file) indicates the relationship (matching) between known tasks and robot functions (a form of device capabilities file). Suzuki further teaches identification of robots using matching capabilities (Suzuki page 87 section 5.2, page 88 section 5.3).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Bashore

WILLIAM BASHORE
PRIMARY EXAMINER

May 14, 2006